

AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the



Petitioner

v.

Case No.

5:23cv58-DCB-LGI
(Supplied by Clerk of Court)

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: **MICHAEL BLAINE ARDIZONE**
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: **PIKE COUNTY JAIL**
(b) Address: **2109 JESSE HALL MEMORIAL ROAD**
MAGNOLIA, MS 39452
(c) Your identification number: **N/A**
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain: **COUNTY JAIL**
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
 If you are currently serving a sentence, provide:
 (a) Name and location of court that sentenced you:

 (b) Docket number of criminal case:
 (c) Date of sentencing:
☐ Being held on an immigration charge
☒ Other (explain): **HELD OVER 12 MONTHS AWAITING INDICTMENT**

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

☒ Pretrial detention☐ Immigration detention☒ ~~Detainer~~☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain): PRE-INDICTMENT, STILL PRETRIAL?
(POSSESSION SCHEDULE II, LESS THAN 0.5 grams)

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

PIKE COUNTY JAIL(b) Docket number, case number, or opinion number: N/A(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
_____(d) Date of the decision or action: 06/09/2022**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

PIKE COUNTY SHERIFF'S OFFICE(2) Date of filing: 4/30/2023 + 5/05/2023(3) Docket number, case number, or opinion number: N/A(4) Result: BOTH FORMS WERE ANSWERED(5) Date of result: 05/03/2023 + 05/08/2023(6) Issues raised: BEEN INCARCERATED FOR A YEAR, NO LAWYER, NO OPTION TO FILE MOTIONS (I.E. FAST & SPEEDY TRIAL) AND I FEEL THAT MY CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED AS WELL IN A MYRIAD OF OTHER WAYS

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes☒ No

AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

I FEEL THAT I HAVE EXHAUSTED ALL MY AVAILABLE MEANS TO REQUEST HELP, AND HAVE RECEIVED NO LEGAL COUNSEL ADVISING OTHERWISE

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody:
- (b) Date of the removal or reinstatement order:
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing:
- (2) Case number:
- (3) Result:
- (4) Date of result:
- (5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court:
- (2) Date of filing:
- (3) Case number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court:
- (c) Date of filing:
- (d) Docket number, case number, or opinion number:
- (e) Result:
- (f) Date of result:
- (g) Issues raised:

NO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

BEING DENIED MY ^{RIGHT} ~~WRITE~~ TO LEGAL COUNSEL

(a) Supporting facts (Be brief. Do not cite cases or law.):

AFTER A YEAR OF INCARCERATION, AND NOTIFYING ADMINISTRATION THAT I HAVE NOT RECEIVED LEGAL COUNSEL OR CORRESPONDENCE I WAS TOLD TO HIRE MY OWN LAWYER.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO:

DENIED MY RIGHT TO A FAST & SPEEDY TRIAL

(a) Supporting facts (Be brief. Do not cite cases or law.):

I HAVE NOTIFIED ADMINISTRATION VERBALLY AND IN WRITING THAT I WOULD LIKE TO FILE MOTIONS FOR A SPEEDY TRIAL, AND THESE REQUESTS ARE ALL BUT IGNORED

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do:

I WOULD FIRST REQUEST THAT THIS COURT ASSIST ME IN OBTAINING MY FREEDOM IMMEDIATELY SO I CAN RETURN TO MY FAMILY. SECOND I WOULD LIKE THE COURT TO LOOK INTO THE REASON WHY SO MANY OTHER CITIZENS IN THIS JAIL ARE BLATANTLY BEING DENIED THEIR CONSTITUTIONAL RIGHTS. THIRD AND LASTLY I AM REQUESTING THAT IF MY METHOD OF RECEIVING JUSTICE IS INCORRECT THAT SOMEONE PLEASE FIND A WAY TO POINT ME AND THESE ~~AND~~ OTHER MEN AND WOMEN IN THE RIGHT DIRECTION SO THAT WE CAN RECEIVE THE SAME LIBERTIES SO FREELY PROVIDED IN THE REST OF THIS COUNTRY.

AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

06/05/2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06/04/2023

Signature of Petitioner



Signature of Attorney or other authorized person, if any

PIKE COUNTY SHERIFF'S OFFICE



REQUEST FORM

DATE: 04/30/2023NAME: MICHAEL ARDITONE MDOC# _____ CELL/ZONE: C-202EDATE OF BIRTH: 04/25/1986 DATE OF INCARCERATION: 05/21/2022**CHECK THE BOX WHICH DESCRIBES THE ISSUE YOU NEED ASSISTANCE WITH:**

- | | | |
|--|---|--|
| <input type="checkbox"/> BEDDING/CLOTHING | <input type="checkbox"/> CHAPLAIN | <input type="checkbox"/> LT. |
| <input type="checkbox"/> INMATE RECORDS | <input type="checkbox"/> CLASSES | <input checked="" type="checkbox"/> WARDEN |
| <input type="checkbox"/> INMATE ACCOUNTS | <input type="checkbox"/> INMATE WORKER | <input type="checkbox"/> CAPTAIN |
| <input type="checkbox"/> TABLET ERRORS (BE SPECIFIC) | <input type="checkbox"/> INVESTIGATIONS | <input type="checkbox"/> OTHER |
| <input type="checkbox"/> MEDICAL | | |

BRIEFLY STATE YOUR NEED BELOW:

SINCE BEING INCARCERATED I HAVE NOT ONCE HAD THE OPPORTUNITY TO SPEAK TO MY LAWYER. I HAVE ALSO NOT RECEIVED ANY FORM OF LEGAL CORRESPONDENCE FROM HIM/HER OR FROM THE INDIGENT DEFENSE OFFICE. IN MY SITUATION I FEEL THAT I AM BEING DEPRIVED MY RIGHT TO LEGAL COUNSEL, AS WELL AS MY RIGHT TO A "FAST AND SPEEDY TRIAL".

INMATE DO NOT WRITE BELOW THIS LINE

Michael,

You will receive counsel once indicted & you go to your arraignment.

If you want one sooner you'll have to hire one.

The indigent defense office will get to you when they get a chance - they stay busy.

Suzanne
5-3-2023

PIKE COUNTY SHERIFF'S OFFICE



REQUEST FORM

DATE: 05/05/2023NAME: Michael Araranc MDOC#: _____ CELL/ZONE: C-ZONEDATE OF BIRTH: 04/25/1986 DATE OF INCARCERATION: 05/21/2022**CHECK THE BOX WHICH DESCRIBES THE ISSUE YOU NEED ASSISTANCE WITH:**

- | | | |
|--|---|---|
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| <input type="checkbox"/> INMATE RECORDS | <input type="checkbox"/> CLASSES | <input type="checkbox"/> WARDEN |
| <input type="checkbox"/> INMATE ACCOUNTS | <input type="checkbox"/> INMATE WORKER | <input type="checkbox"/> CAPTAIN |
| <input type="checkbox"/> TABLET ERRORS (BE SPECIFIC) | <input type="checkbox"/> INVESTIGATIONS | <input checked="" type="checkbox"/> OTHER |
| <input type="checkbox"/> MEDICAL | | |

BRIEFLY STATE YOUR NEED BELOW: SUZANNE,

ONCE AGAIN I AM REQUESTING LEGAL COUNSEL (NOT "COUNCIL" WHICH WOULD BE THE INCORRECT HOMOPHONY IN THIS CASE). ONCE INCARCERATED IN THIS COUNTRY, WHETHER ON MISDEMEANOR OR EVEN PRE-INDICTMENT FELONY, I AM ENTITLED TO A LAWYER. I AM ALSO ENTITLED TO A FAST AND SPEEDY TRIAL. THESE ARE CONSTITUTIONAL RIGHTS. ANY HELP YOU CAN PROVIDE THAT WILL HELP ME RESOLVE THESE ISSUES WOULD BE SO GREATLY APPRECIATED. PLEASE POINT ME IN THE RIGHT DIRECTION! THANK YOU!

INMATE DO NOT WRITE BELOW THIS LINE

Michael:

You'll have to hire legal counsel if you are wanting to do this before indictment.

Once indicted you will get legal counsel @ 1st court date -

Bond 20,000.00
w/ approved Address,
Suzanna

Next GS meets
end of May.